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THE
S P E E C H
O F

Mr. JOHN CHECKLEY,

UPON HIS

T R Y A L,

At *Boston* in NEW-ENGLAND,

For PUBLISHING

The Short and Easy METHOD with the *Deists* :
To which was added, A Discourse concerning EPIS-
COPACY ; In Defence of *Christianity*, and the
CHURCH of ENGLAND, against the *Deists* and
Infidels.

To which is ADDED,

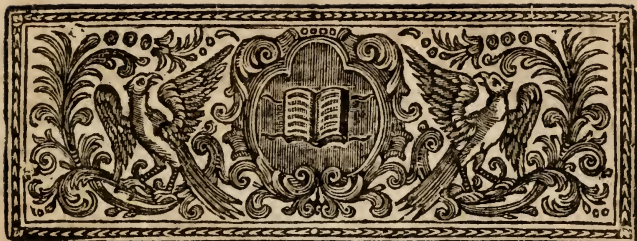
The Jury's Verdict ; His Plea in Arrest of Judg-
ment ; and the Sentence of Court.

THE SECOND EDITION.

L O N D O N :

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THE
S P E E C H
O F

Mr. John Checkley,

*Upon his Tryal at Boston in
New-England, &c.*

*May it please your Honours, and you
Gentlemen of the Jury;*



Y Councel having made so very good a Defence on my Behalf, the saying any thing for myself may seem needless and unnecessary.

And indeed it would be so, if the Charge against me was not out of the common Road, and very extraordinary.

- But (may it please your Honours) I am represented as a Person *Guilty on many Accounts* : 1st, For wickedly and maliciously imagining and contriving, by the Subtilty of Arguments, *to draw into Dispute* his present Majesty's Title to the Crown, &c. 2^{dly}, Of scandalizing the Ministers of the Gospel by *Law established* in this Province. 3^{dly}, I am charged with *falsifying* the holy Scriptures. 4^{thly}, With representing the Church of *Rome* as the *present Mother Church*; and *lastly*, With raising Divisions, Jealousies, and Animosities, among his Majesty's *loving Subjects* of this Province.

These are Crimes of a very heinous Nature; and had they been as *fully prov'd*, as they have been *strongly suggested* in the Indictment, I must acknowledge I should deserve a very severe Punishment.

Since then the Charge against me is so *very extraordinary*; since *these Proceedings*, and the *Methods* of my Prosecution, seem to be something new in this Country; and since I am so fully conscious of the Innocency of my Intentions, and that I had no Malice in my Heart: I believe your Honours will readily allow, that to be silent, at this Juncture, would look like an *Argument of Guilt*, and be *truly Criminal*.

With your Honours Permission, then, I shall go on, and will endeavour to take up no more Time, than to advert to such Things,
not

not so fully insisted on by my Counsel, as will further shew the Innocency of my Intentions, and that I had no Malice in my Heart, nor designed any thing against the Government.

*May it please your Honours, and you
Gentlemen of the Jury ;*

The first Passage pretended to be against the Government, is this, P. 63. “ As the
“ Necessity of Government, and the general
“ Commands in Scripture of Obedience to
“ Government, do require our Submission
“ to the Government in being, where there
“ is no Competition concerning the Titles ;
“ that is, where no one claims a better
“ Right than the Possessor : ” thereby (saith the Indictment) subtilly, by Arguments, to traduce and draw into Dispute the undoubted Right and Title of our said Lord the King, &c.

But this was not designed, nor can it possibly be wrested, to hurt the Title of his present Majesty ; unless any Person will make it appear, that *another hath a better Title to the Crown than his present Majesty* ; which I am sure is not averred here, nor any thing like it. For the whole Sentence is no more than an hypothetic Proposition concerning Government in general (without any Averment of any particular Government) ; and
founded

founded upon this Maxim of the Law, that *bare Possession is a good Title, till a better can be produced.*

But, (may it please your Honours) to shew you farther, that I had no evil Design against the Government, I beg Leave to remark, and to shew wherein I industriously alter'd the Phrase, to prevent any such Misapplication of it.

In the Book from whence this Passage is transcrib'd, the Words run thus; P. 36. " As the Necessity of Government, and the
" general Commands in Scripture of Obedience to Government, do require our
" Submission to the Government in being,
" where there is no Competition concerning
" the Titles, or any that claims a better Right
" than the Possessor.

Here I beg your Honours, and you Gentlemen of the Jury, to observe, that these Expressions, *where there is no Competition concerning the Titles, or any that claims a better Right than the Possessor*: I say, these Expressions in this Book, are not *explanatory* one of the other, but are *disjunct*; and by the Assistance of a few, useful Innuendo's, this Expression, *where there is no Competition concerning the Titles*, might have been so dress'd up, as to have looked like *something* against the present Government. For every body knows, that there is a Competition

petition concerning the Title to the Crown of *England*.

But to prevent all Possibility of mistake concerning this Expression, and that it might not be *pressed* and *forced* to fight against the Government whether it would or not ; in *this very Book* it is explained in such a Manner as (seems to me) to make it almost impossible for any one but an Enemy to the present Government, so much as to think that these Words were designed against it.

For in *this Book*, these Words, *where there is no Competition concerning the Titles*, are immediately explained in this Manner ; *THAT IS, where no one claims a better Right than the Possessor.*

And by the Words, *claims a better Right*, must mean, *justly claims a better Right.*

And indeed, it is impossible to force it to have any other Meaning, if the preceeding and subsequent Matter, and the Design and Scope of the Argument, be considered.

For it is an Argument with the Dissenters from the Church of *England*, in this Manner, *viz.* Episcopacy was instituted by Christ, for the standing and perpetual Government of his Church.

That Form of Government still exists in the Church of *England*.

Therefore, supposing that the present Bishops did not derive there Power by an uninterrupted

interrupted Succession from the Apostles, but were appointed by the King, or by some others not having Episcopal Power; yet since they govern according to that Form, which Christ appointed, tho' they did not come regularly by it, they ought to be obey'd, until some other Persons shall come and make it appear, *that they have a better Right to govern the Church, than those in actual Possession.*

And the Reason for such Obedience is given, *viz.* That if it were not so, a Door would be opened to let in Anarchy and endless Confusion, if every bold Pretender to a Right should be hearkened to, and his *bare Pretensions*, should be sufficient to alienate the Obedience of the People, from those in actual Possession.

This (may it please your Honours) is the Argument. Now, nothing is more plain, than that every different Sect among the Dissenters, expressly affirm their own particular Form of (what they call) Church Government to be of Christ's Institution, and claim a better Right to the Government of the Church than the Bishops, whom they call *Usurpers*; (particular Instances of which I am ready to produce; but shall wave it, believing it would be no Pleasure to your Honours at this Time, to hear with what Scurrility some imprudent Men have treated that *venerable Order* :) I say, each
differing

differing Sect among the Dissenters claim a better Right than the Bishops; yet the Bishops and *they only* ought to be obeyed:

Why? Because none of these Dissenters have ever yet made it appear, *that their Claim is* JUST.

May it please your Honours: This is the whole Design and Drift of the Argument; and I have been thus long upon it, to make it appear to your Honours, and to you Gentlemen of the Jury, that it is impossible to cloath these Words, *claims a better Right*, with any other meaning than JUSTLY *claims a better Right*; for otherwise, the Argument would have no Design, but would be glaring Nonsense, and Contradiction to the immediately preceding and consequent Matter, and to the Scope and Design of the whole Book.

I hope your Honours, and you Gentlemen of the Jury, will not take more Notice of an *Innuendo*, an *Inference*, or *Insinuation*, than of an *express Declaration*. And if there are any Words which seem to bear a doubtful Meaning, I hope your Honours will in all such Cases incline to the most favourable Side.

May it please your Honours; It is a known Rule in the *Roman Law*, *In ambiguis orationibus maxime sententia spectanda est ejus qui eas protulisset*. Wherever Words are capable of a double Construction, there the In-

tention of the Speaker is chiefly to be look'd after, and attended too.

I have solemnly declared, that I industriously alter'd the Phrase, and with *this very Intention*, viz. to prevent any Misapplication of it, as if it was design'd against the Government.

Every Man hath a right to explain his own Intentions; and *obscure Expressions* must not (I hope) have Meanings put upon them, contrary to *express Declarations*.

This is a Rule in all common and civil Cases between Man and Man; but in criminal Cases, there that Law exacts a stricter and a nicer Proof: Wherever the Life or Liberty of a Citizen is concern'd, there the Proofs ought to be *Luce meridianâ clariora*, as evident as the Sun at Noon-day.

But (may it please your Honours) what Proofs have been produced, and in what Form have they appear'd?—— Verily, in no *very comely Form*! For they are nothing but *bare and naked Inuendo's* and *Insinuations*.

May it please your Honours. I mention these Maxims of the *Roman Law*, only as they are agreeable to the common Sense and Understanding of Mankind, as Rules of Reason and Equity: and which (I would persuade my self) your Honours will always make the Rule of your Actions.

Since

Since therefore, I affirm, that there is no Person, who *JUSTLY* Claims a better Right to the Crown of *England* than His present Majesty, I hope your Honours will be of my Opinion, that he who shall start at this Passage, and say, that it is against the present Government, looks like an Enemy to it; for, without an *Inuendo*, it plainly intimates, that he thinks some other Person besides His present Majesty *JUSTLY* claims a better Title: which is by no Means asserted in this Passage, nor in any part of the Book; but the direct contrary.

Wherefore I have an humble Confidence, that your Honours, and you Gentlemen of the Jury, will not think this Passage sufficient to make the Book a Libel, nor me guilty.

The next (pretended) scandalous Clause is this, pag. 107. “ Let then the Common-
“ Wealth-men and the Orators for the Power
“ of the People, (if they will argue fairly
“ and upon the square with us) set down
“ the Time when Monarchy did begin in
“ the World, and see if this Clew will not
“ lead them up to the Division of the Na-
“ tions after the Flood, which I am sure no
“ Man (who has seen that Account which
“ Holy Scripture gives us of it) will venture
“ to say, was done by the People.

Thereby (saith the Indictment) meaning and insinuating, that the Title of Our said Lord the King to the Crown was not good.

Now to evince, beyond all Contradiction, that these Expressions likewise, bear not the least Resemblance of any Reflection, upon His Majesty's Title to the Crown, I most humbly entreat your Honours to hear me patiently, while I represent the *true design* of this Argument, and the *impious Schemes* against which it militates.

First then: The Deists, (those Men who would turn the World, and even God and Nature, upside down!) these Men foolishly dream of an independent State of Nature; *That is to say*, they affirm, that once upon a Time (tho' they never yet could tell when) all Mankind were upon a Level, and that there was no such Thing as Government in the World; and that *Tom, Dick, and Harry*, ay, every individual Man, Woman, and Child, had a Right to the whole World; therefore, since God had not instituted any Government, they, *the People*, all of 'em met together, and (to prevent the dire Confusion that might happen upon the bloody Scramble that was like to ensue) they erected Government.

This (may it please your Honours) is the Scheme of the Deists: And I am sure I need not tell you, that it is a direct Contradiction to the Holy Scriptures; and these Deists not believing one Word in those sacred Pages, no Wonder they talk so wildly.

It was the want of Revelation that made the ancient Sages grope so in the dark, and have such strange Notions concerning *the Origin of the World, of Mankind, and of Government.*

The Wisdom (even) of *Aristotle* could never give a Solution to this single Question, *Which was first, the Hen or the Egg?* If he said——*The Egg*——Then how came *this Egg here, unless some Hen laid it?*——If he said, *the Hen was first.*——Then from whence came *this Hen but from some Egg which must be before it?*

This was an inextricable Difficulty with *Aristotle*. But a slender acquaintance with the first Chapter of *Genesis* would have informed him, that as God made the first Hen, from which all of the same species have been derived; so he likewise created the World and Mankind, and actually instituted a *particular Form of Government*, giving to one Man the Dominion over the World, and over all that he had created in it.

The *God of Order* did not create a Number of People all at once, *without Order and Government*, and then leave them to scramble for Property and Dominion, as some Deistical Republicans would have us believe contrary to the express Words of Scripture.

And to shew that I do not abuse them, tho' I could bring a Multitude of Quotations from

from their own Writings; (but that I may not take up too much of your Honours Time) I shall only produce three Lines from their *Veteran Mercenary*, their Oracle, *Daniel de Foe*, who certainly knew his own Scheme.

*To be as free as Nature first made Man,
E'er the base Laws of Servitude began,
When wild in Woods the noble Savage ran.*

This is their *wild Notion* of an *independent State of Nature*.

But the Vanity and Falseness of this *brutal Scheme* is detected, as with a Sun-beam, from the Holy Scriptures, from the first of *Genesis*, and from the Book of *Job*, where we are told (according to one Translation) *That vain Man is puff'd up with Pride, and thinks himself free-born like a wild Ass's Colt.*

These Men wou'd have all Mankind such Savages. And they are fitly called Beasts, who range themselves in the natural State of Beasts, all independent, and no Government among them.

It is this *impious and brutal Notion*, which the Argument in this Book militates against and destroys.

Secondly, The Word PEOPLE is an indefinite Term, and the Republicans could never yet agree concerning it's true Meaning.

That

That great Man Mr. *Locke* expressly says, that the free Vote of every individual, is absolutely necessary to the erecting of Government, and, at the same Time, says *that it is impossible to be had*. And nothing is more certain than this, that no Country or Nation can be produced, where *every one of the People* hath a free Vote in the choice of their Rulers. And it is likewise certain, that at the very Time when the *Democracy* was most in Vogue, in ancient *Greece* and *Rome*, all the common People had not a Vote at the Election of their Magistrates.

The *Athenian Rabble* did not chuse the *Demarchi*;——(Here the Chief Judge interrupted, and said, the Court can't spend their Time in hearing you talk about the *Greeks* and *Romans*. It is nothing to your Case.)

May it please your Honour.

By the Statutes of *Magna Charta* chap. 29. 5 *Edw.* III. chap. 9.——and 23 *Edw.* III. chap. 5. No Man ought to be condemned without Answer. *Coke's 4 Instit.* 38. And my Lord *Coke* says in the same Place, That the more high and absolute the Jurisdiction of the Court is, the more just and honourable it ought to be in the Proceeding, and to give Example of Justice to inferior Courts.

I was not suffered to defend my self in the inferiour Court ; I beseech your Honours to let me make my Defence.

(The Chief Justice said, well, go on.)

I say then, that the *Athenian Rabble* did not chuse the *Demarchi* ;

The *Ephori* of *Sparta* were not chosen by the *Spartan Mob* ;

Nor did all the *Roman Plebeians* chuse the *Roman Tribunes*.

This *wild* and *impracticable* (pretended) Power of the People, was never reduced to Practice by any Nation, or among any People. And it is only against this rude, confused Notion, that the Argument in this Book is levell'd.

Thus much for this licentious, unlimited, pretended Power of the People !

And as for the pretended *Independent State of Nature*, I'm sure that could have no Existence at the Time mentioned in the 10th of *Genesis* ; when *Nimrod* (in prophane History called *Belus*) was King in *Babylon*, and *Askur* built *Nineveh*, the Seat of the *Assyrian* Monarachs ; both which are mentioned in that Chapter.

And from *Nimrod* we have the Names of all the Monarchs, and their Succession, to the End of the *Assyrian* Monarchy.

And after that of the *Medes* and *Persians*, the *Greeks* and *Romans* ; and from the
Division

Division of the *Roman* Empire, we have the Succession to the present Empire of *Germany* in the West, and the Sultan of *Constantinople* in the East.

And in all this Tract of Time, not the least Crevice to let in this wild independent State.

These are publick Matters of Fact in which Mankind cannot be deceived. Therefore the Argument in this Book stands good and firm, and may still, with good Reason, demand of the Republicans, *at what Æra of time they will bring in their Original State of Nature!*

And I have the same humble Assurance that I had before, that your Honours, and you Gentlemen of the Jury, will not think this Demand, nor the Argument against the Power of the People, as I have explain'd it, any Reflection upon His present Majesty's Title, nor sufficient to make *me guilty*, nor *this Book a Libel*.

The next and last Passage pretended to be against the Government is this, p. 108.
 “ Was there ever a Time in the World
 “ when all Mankind (all but the Usurpers!)
 “ were all asleep? —

This Clause likewise hath nothing in it against the Government any more than the foregoing. And to demonstrate that it has not, I must humbly beg leave to represent, to your Honours and to the Gentlemen of the Jury, it's *true* and *genuine*
 C Meaning.

Meaning. In the Process of which Representation, I shall be obliged, by the Nature of my Defence, to mention *the Assembly of Divines at Westminster, and other Great Men* among the Dissenters; but I shall do it with all due deference to their Characters; therefore, I beseech your Honours to hear me patiently.

This Question, *What think ye my Friends? Was there ever a time in the World when all Mankind* (all but the Usurpers!) *were all asleep*, is only an *ironical Expostulation*, with those who affirm the Government of the Church by Bishops to be an *Usurpation*, and who (with Deists) deny *the uninterrupted Succession of the Gospel Ministry*.

The Book argues the Impossibility of such an Order of Men creeping into the Church all at once, and all the World over, without any Body's Notice or Knowledge! And the Book is further proving positively, that, in Fact, these Bishops have always been in the Church since its first Institution, and proves it by this Medium, *viz. The Testimony of an uninterrupted Succession of Gospel Ministers*.

And since it is part of the Charge against me, that I have ranked such with Deists who deny the Succession of the Priesthood; I shall, in the Prosecution of this Part of my Defence, (to save time) answer both in one.

And

And in order to it I will (with your Honours leave) entreat the Assistance of those *Presbyterian Ministers*, the Compilers of *the Divine Right of Church Government*, approved by the *Westminster Assembly*, who, when it was objected against them by the *Independents*, after the first Edition of their Book, that by their Principles, *an uninterrupted Succession of ordained Persons was necessary*; which Succession they could not pretend to, unless they would justify the Antichristian Ordinations of the Church of *Rome*, &c. they added an Appendix to their second Edition, wherein they considered the Objection, and returned an Answer to it under these two Heads; 1st, That the Reformation was begun before the Council of *Trent*, and till the Council of *Trent*, the Church of *Rome* was not so corrupted, as that her Ordinations were *null*. The Church of *Rome* could as validly ordain as baptize, and who did ever question the Validity of her Baptisms?

2^{dly}, The *English* Clergy had not their Ordinations from *Rome*; Christianity was very early (*Anno* 63 or 64) in *Great Britain*, and Church Officers were then ordained, and a Succession of valid Ordinations was always uninterruptedly continued.

I must now (with your Honours Permission) seek for some Aid from *The Divine Right of the Gospel Ministry*, written, as

least authorized, by *the Provincial Assembly of London*, published in the year 1654. which says, that *Church Power* is first seated in *Christ*, the Head, and from him committed to the *Apostles*, and from them to *Church Officers*; and *they alone* who have received it from the *Apostles* can derive and transmit it to other Ministers. All Ordination by the People is NULL and VOID, as being not only not grounded on Scripture, but against Scripture.

And to intrude into the Ministerial Office, without Ordination, is as the Sin of *Korah* and his Company.

The same *Provincial Assembly* have much more to this Purpose, in their other Treatise, called, *The Divine Right of the Ministry of England*, from whence (that I may not tire your Honours) I shall quote but a few things.

Chap. 3. pag. 44. They say, they think it no disparagement to their Ministry to say, they received it from *Christ* and *his Apostles*, and from the Primitive Churches, through the impure and corrupt Channel of the Church of *Rome* “ And, *p. 43.*
 “ the receiving our Ordination from *Christ*
 “ and *his Apostles*, and the *Primitive*
 “ *Churches*, and so all along thro’ the apo-
 “ state Church of *Rome*, is so far from nulli-
 “ fying our Ministry, or disparaging of it,
 “ that it is a great strengthening of it, when
 “ it shall appear to all the World, that
 “ our

“ our Ministry is derived to us from *Christ*
 “ and *his Apostles*, by Succession of a Mi-
 “ nistry continued in the Church for 1600
 “ Years, and that we have a LINEAL SUC-
 “ CESSION *from the Apostles*.

Thus far the *Westminster Assembly*. And were it not intruding too far upon your Honours Patience, I would keep company with my Indictment (*North about*) to that Part of *Great Britain* called *Scotland*, and shew, that (even) the *General Assembly of Scotch Presbyterians*, held the absolute Necessity of an *uninterrupted Succession from the Apostles*; which I could abundantly prove; but shall wave it, and close this Part of my Defence, with the Words of that Great and Learned Man, the late Mr. *Pemberton* in his Discourse of Ordination, p. 2. “ It is not to be
 “ disputed that Christ has appointed a *stand-*
 “ *ing Gospel Ministry* in his Church, to con-
 “ tinue to the Consummation of all things.

“ It was not a temporary Constitution, but
 “ a standing Ordinance, that there should be
 “ in all Ages of the Church an Order of
 “ Men to represent his Person, publish his
 “ Laws, exhibit the Promises, and administer
 “ Seals and Censures.

“ *This seems evident to a Demonstration*,
 “ from the Promise of Christ's Presence to be
 “ with his Ministers to the End of the World,
 “ *Matth. xxviii. 20.*

Thus

Thus far Mr. *Pemberton*.

And I firmly believe that your Honours, and most of the *Presbyterian* and *Congregational* Ministers in this Country, are of the same Opinion with this Great Man. Therefore I shall say no more upon this Head.

Believing that what I have offered, will fully convince your Honours, and you Gentlemen of the Jury, what is the true Meaning and Design of this Clause, *Was there ever a time in the World when all Mankind (all but the Usurpers!) were all asleep*; and that it was not spoken concerning Civil Government at all, and therefore impossible to be any Reflection upon His present Majesty's Title to the Crown of *England*; and at the same time demonstrate, *that the ranking of such Men who deny the uninterrupted Succession of the Priesthood under the Gospel, with Deists*, notwithstanding it is Part of the Charge against me, *that yet it is no Crime*; even your Honours, the late Mr. *Pemberton*, the *General Assembly of Scotland*, and the *Assembly of Divines at Westminster*, being my Judges.

With your Honours Permission, I shall now descend to another Part of the Charge against me, and of another Nature; *viz.* Of scandalizing the Ministers of the Gospel by *Law established* in this Province.

And I doubt not but that I shall fully clear my self from this Part of the Charge likewise.

Wherefore,

Wherefore, in order to my Vindication, I shall endeavour succinctly to prove these three Propositions.

1st, That no Acts of Assembly in this Province, either *by Right*, could, or, *in Fact*, have established any way of Worship and Ministry, whether *Presbyterian* or *Congregational*; so as to make THAT the Establishment, and the *Episcopal Churches* to be *Dissenters*.

2^{dly}, That by a *just* and *true* Construction of the Laws of *this very Province*, the Church of *England* is *established* here.

3^{dly}, That by the Laws of *England*, the Church of *England*, as established in *England*, and NO OTHER, is positively *established* in all his Majesty's Plantations.

I shall now endeavour to prove the first Part of the first Proposition, *viz.* That no Acts of this Province, *by Right*, could establish any way of Worship and Ministry, so as to make THAT *the Establishment*, and the *Episcopal Churches* to be *Dissenters*.

May it please your Honours. As the Books say, a Law made against the Law of God is void; so the *Charter* to this Province from whence we derive our Power to make Acts and Laws, reserves and expressly provides, *that no Act shall be made repugnant to the Laws of England*, which therefore, if made, would be *ipso facto* void.

If

If therefore I can prove, that the *Church of England* is by the *Laws of England established in the Plantations*, and NO OTHER; then the *establishting* any OTHER, and making the *Church of England* to be *Dissenters*, is plainly *repugnant* to the *Laws of England*, and consequently inconsistent with and against our *Charter*, and therefore VOID.

As to the second Part of the first Proposition — viz. — That no *Laws* of this Province, *in Fact*, have *established* any way of *Worship* and *Ministry*, so as to make THAT the *Establishment*, and the *Episcopal Churches* to be *Dissenters*.

May it please your Honours, and you Gentlemen of the Jury: Had these Acts (for Instance) confirmed the *Plat-form*, and the *Ministry pursuant to that*, then in *Fact* they had (or at least had attempted to have) *established* another *Way* and *Ministry*.

But these *Laws* make use only of general *Terms*, in relation to any way of *Worship* and *Ministry*, without ever mentioning either the *Presbyterian* or *Congregational* by Name; therefore I humbly conceive, that neither of these can be the *Establishment*, to the Exclusion of the *Episcopal Churches*, and so as to make them the *Dissenters*.

I shall now endeavour to make good my second Proposition, which is this,
That

That by a *just* and *true* Construction of the Laws of *this very Province*, the *Church of England* is *established* here.

And in order to it, I must ask leave of your Honours to premise a few things:

1st, That where the Acts of Assembly make use of any Words, and do not explain what they mean by them, I humbly conceive, that such Words shall be construed according to the Laws of *England*.

As for Instance, the word *Libel* and *Defamation* in the Act about Criminals. The Word, *Fee-Simple*, in the Act for Distribution of Inheritances, &c.

2^{dly}, Where two Expositions may be of an Act, and the one is *agreeable* to the Laws of *England*, and the other *contrariant* or *repugnant* to them; I most humbly believe, that your Honours will take it in the first Sense, and not in the latter.

Now, without reciting all the Laws relating to Publick Worship and Ministry, which would take up too much time, though I have them all ready, if your Honours shall think it necessary, I believe it will be sufficient to remark, that the Acts of Assembly make use ONLY of *indefinite Expressions* and *general Terms*.

For Example, in the 4th and 5th of *William and Mary*, the Act makes mention of a *gathered Church*, and provides, that the Minister shall be chosen *according*

to the *Direction* given in the *Word of God*; and the *Laws* likewise ordain, that each Town shall have an *Orthodox* Minister, or Ministers.

But these Acts no where explain what *those Directions in the Word of God* are, nor what is meant by an *Orthodox* Minister.

So that, I humbly conceive, Recourse must be had to the *Laws of England*, as is usual in like Cases, to know the *true* and *undisguised* meaning of these *general Terms* and *indefinite Expressions*.

And I am sure I need not inform your Honours, what the *Laws of England* mean by the Words *Church* and *Orthodox Minister*.

But that the Gentlemen of the Jury (who can't be supposed to be so well acquainted with the *Laws of England*) may know what they mean; I most humbly entreat your Honours Patience, while I recite Part of the 13th of *Eliz.* Chapter 12. which was designed to settle *Orthodoxy*, and declares who shall be deemed *Orthodox* Ministers.

The Act runs thus,

“ That the Churches of the Queen’s Ma-
 “ jesty’s Dominions may be served with
 “ Pastors of sound Religion: Be it enact-
 “ ed by the Authority of the present Par-
 “ liament, That every Person under the
 “ Degree

“ Degree of a Bishop, which doth or shall
 “ pretend to be a Priest, or Minister of
 “ God’s Holy Word and Sacraments, by
 “ reason of any other Form of Institution,
 “ Consecration, or Ordering, than the
 “ Form set forth by Parliament, in the
 “ Time of the late King of most worthy
 “ Memory, King *Edward VI.* or now
 “ used in the Reign of our most graci-
 “ ous Sovereign Lady, shall in the Presence
 “ of the Bishop, &c. declare his Assent, and
 “ subscribe to all the Articles of Religion,
 “ comprized in a Book Imprinted, En-
 “ titled, Articles, whereupon it was a-
 “ greed, &c.

These (May it please your Honours) are
 the Articles of the *Church of England*; And
 “ (says my Lord Chief Justice *Coke*) the
 “ Subscription hereby required is to three
 “ Articles.

“ *The 1st is*, That the King’s Majesty,
 “ under God, is the only supream Gover-
 “ nour of the Realm, and all other his High-
 “ ness’s Dominions and Countries.

“ *2dly*, That the Book of the Common-
 “ Prayer, and of Ordering of Bishops, Priests
 “ and Deacons, containeth nothing in it con-
 “ trary to the Word of God, &c.

“ *3dly*, That he alloweth of the said
 “ XXXIX Articles of Religion, and acknow-
 “ ledgeth them to be agreeable to the Word
 “ of God.

After reciting these three Articles, my Lord *Coke* goes on,— And I heard *Wray*, “ Chief Justice in the King’s Bench *Pasch.* “ 23d of *Eliz.* report; That where one “ *Smith* subscribed to the said XXXIX Ar- “ ticles of Religion, with this Addition, (*so* “ *far forth as the same were agreeable to the* “ *Word of God*) that it was resolved by “ him, and all the Judges of *England*, that “ the Subscription was not according to the “ Statute of the 13th of *Eliz.* because the “ Statute requires an absolute Subscription, “ and this Subscription made it condition- “ nal; and that this Act was made for “ avoiding Diversity of Opinions, &c. and “ by this Addition the Party might, by his “ own private Opinion, take some of them “ to be against the Word of God; and by “ this means Diversity of Opinions should “ not be avoided, which was the Scope of “ the Statute; and the very Act it self, “ made touching Subscriptions, hereby of none “ Effect. *Coke* 4. *Instit.* 324.

Now (may it please your Honours) if a Person (though episcopally ordained) who refuses to give his Assent and Consent to these three Articles absolutely, and without any Condition or Reservation, shall not, by all the Judges of *England*, be deemed *Orthodox*, or of *Sound Religion*; (which is one and the same thing) much less (in my humble Opinion) shall a *Dissenting* Teacher

Teacher, who absolutely condemns Subscription, and imagines, that those who impose it, have not *right Opinions of Religion*, or are not of *sound Religion*, or *Orthodox* : I say, such a Person (certainly) by the Laws of *England*, will not be allowed to be of *sound Religion* or *Orthodox* !

Who likewise, in the Eye of the Law of *England*, is *mere laicus*, not in Holy Orders, but a *mere Lay-Man*.

Since then the Laws of *England* allow no Minister to be *Orthodox*, but he who is *Episcopally Ordained*, and who subscribes the abovesaid three Articles, which is a *Minister of the Church of England*.

And inasmuch as by the Acts of Assembly of this Province, an *Orthodox Ministry* is *established* in every Town ;

Therefore, by a *just* and *true* Construction of the Laws of *this very Province*, (unless they are repugnant to the Laws of *England*) *the Ministers of the Church of England* are established HERE.

I beg leave to remark under this head, that our present Governour Col. *Shute*, in his Order to the Magistrates of *Bristol*, &c. wherein he prohibits their taxing the *Church-men* towards the Maintenance of any other Ministers, of any other Profession than *Episcopal*, calls *the Church of England* the *established Church* here.

And

And the late Governour, Col. *Dudley*, (by wise Men, deservedly acknowledged the wisest Man that ever was in this Country) in a like Order, in Favour of the Church at *Newbury*, declares *the Church of England* to be the *established Church*; and speaking of their Proceedings for settling a Church there, says, that they are *according to Law*, and that they ought to be suffered to go peaceably on for their good *Establishment*.

May it please your Honours;

The Opinion of this great and wise Man, was founded upon his exact Knowledge of the Laws of *England*; some of which (by your Honours Permission) I shall now produce, in order to make good my third Proposition; *viz.*

That by the Laws of *England*, the Church of *England*, as *established in England*, and no OTHER, is positively *established* in all His Majesty's Plantations.

May it please your Honours, and you

Gentlemen of the Jury;

The Common Law, and especially *Magna Charta*, is allowed to be the Law of the Plantations, and every *Englishman's* Birth-Right. And by that, *the Holy Church*, i. e. *the Church of England*, is for ever inviolably confirmed.

The Church reformed, and confirmed, and *established* by the 2d, 3d, 5th, 6th, of *Edw VI.* mentions *England, Wales, Calais*, and
the

the Marches thereof, and *other the King's Dominions*, and says, the Inhabitants of this Realm, and *other his Majesty's Dominions*.

This was repeal'd by the 1st of *Mary*; but the 1st of *Elizabeth* took off that Repeal; and mentions again the Realm of *England, Wales*, or Marches of the same, and (or) *other the Queen's Dominions*; — and in the Conclusion expressly *inhibits any other to be establish'd* within the Realm, or any *other the Queen's Dominions or Countries*.

The 13th of *Eliz.* which declares who are *Orthodox* Ministers, entitled an Act for the Ministers of the Church to be of *sound Religion*,—and provides, That the Churches of the *Queen's Majesty's Dominions* may be served with *sound Ministers*, &c.—qualified as in the Act.

Now, (may it please your Honours) I humbly conceive, that by *King's Dominions* must be meant not only the THEN Dominions, but what shall be the King's Dominions at all times, *while that Law remains in force*.

As (for Instance) Acts of Trade that extend to the Plantations, *bind new or acquired Places, added to the King's Dominions, after such Acts were made*.

And the 12th of *Charles II.* which was made *after* the Settlement of these Colonies, confirms those *former* Acts, that mention the *King's or Queen's Dominions or Countries*.

But

But above all, the 5th of Q. *Anne*, entitled, *An Act for securing the Church of England, as by Law establish'd*, re-inforces and confirms the 13th of *Eliz.* and the 12th of *Charles II.*—and provides, That the King shall swear to maintain the said Settlement, (*i. e.* by the said Acts, which Acts comprehend *the King's Dominions or Countries*) of the Church of *England*, and the Government thereof, *as by Law establish'd* within the Kingdoms of *England* and *Ireland*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, and *the Territories thereunto belonging*.

And immediately declares, that this Act shall be held a fundamental and essential Part of any Union between the two Kingdoms.

May it please your Honours ;

By all the foregoing Acts, and by this Act in particular, it appears, that the Church of *England*, *as establish'd in England*, and no OTHER, is *establish'd* in all his Majesty's Plantations.

And by the same Act it appears, that to *establish* any OTHER, would be a Breach of the Union between the two Kingdoms.

Therefore I humbly hope, that neither your Honours, nor you Gentlemen of the Jury, will look upon this Book, as written to the Scandal of *the Ministers of the Gospel*,

pel, established by Law in this Province;
 ———for it is a Defence of THEM and their
 SACRED CHARACTER.

May it please your Honours;

I have a great deal more to say in my Defence; but perceiving that so much Time is already lapsed, I shall omit it, only begging Leave to say some few Things to the Jury.

Gentlemen, I would have you seriously consider what you are about.

Remember that the Book indicted is, *The Short and Easy Method with the DEISTS*, an *no other*; a Book wrote in Defence of *Christianity*, in Defence of our *Holy Faith*, against the *blaspheming Deists*.

And tho' there are some Passages in the Indictment, which are spoken of the *Congregational* and *Presbyterian* Ministers in this Country; yet I would have you consider, that *those Passages* are not in the *Book indicted*, but in *another*.

But granting that they were there, I beseech you, Gentlemen, to reflect with yourselves, whether *those gentle Methods* of reasoning and perswading, and *those tender and compassionate Expostulations* with those Gentlemen, to make them seriously consider with themselves, of the Validity of that Commission by which they act:——

I say, reflect (Gentlemen) whether this looks like Malice, and whether it should bring

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upon

upon me such a severe Prosecution, and is sufficient *to demonstrate me a Criminal.*

I would have you consider, that I have suffered *very much* already on account of my Religion.

May it please your Honours;

I shall now conclude, only beg leave to render Thanks for the Liberty granted to me (*which was deny'd me at the Sessions*) of making so particular a Defence; and if in the Prosecution of it, I have said any Thing ungrateful to your Honours, I am sure you will forgive me, when you consider, that the nature of the Charge against me obliged me to such a manner of Defence.

Wherefore, without any further Apology, I shall submit it to your Honours, and to you Gentlemen of the Jury, with all *that Humility* that becomes a Christian. Hoping, nay, being well assured, that you will not find *me guilty*, nor *this Book a Libel.*

The Jury's Verdict.

John Checkley
adfect' }
Dom. Reg. }

THE Jury find specially; viz. *If the Book entituled, A Short and Easy Method with the DEISTS, containing in it a Discourse concerning Episcopacy, (published and many of them sold by the said Checkley) be a false and scandalous Libel; Then we find*

find the said Checkley guilty of all and every Part of the Indictment (excepting that supposed to traduce and draw into dispute the undoubted Right and Title of our Sovereign Lord King George, to the Kingdoms of Great-Britain and Ireland, and the Territories thereto belonging)---But if the said Book, containing a Discourse concerning Episcopacy as aforesaid, be not a false and scandalous Libel; Then we find him not guilty.

Att' Samuel Tyley, Clerc.

The Plea in Arrest of Judgment.

May it please your Honours,

Notwithstanding that I have been heard so fully by my Counsel, in Arrest of Judgment; I must yet beg Leave of your Honours, to say something further myself on the same Plea, *why Judgment ought to be Arrested.*

May it please your Honours;

Upon my Trial at the Sessions, it was often declar'd from the Bench, that they would not have me suppose, that I was to be tried for writing any Thing in the Defence of the *Church of England* and of *Episcopacy*, against the *Presbyterian* or *Congregational* Ministers in this Country:—NO, *by no Means!* for *the Ministers were able to defend themselves.*

And to demonstrate to your Honours that their Worships designed to amend the Indict-

ment in that Particular, they ordered the Attorney-General to insist upon *those three Clauses only* (pretended to be) against the Government.

The Jury found me guilty of *imagining and contriving, by the Subtility of Arguments, to traduce the Title of His present Majesty.*

(For it cannot be supposed, that they found me guilty of *any Thing else*, since *that* and *that only*, by Order of the Worshipful Bench, was *all the Charge against me.*)

And an heavy Judgment was thereupon given. From which Judgment I appealed to this Honourable Court; and after a full and fair Hearing, have been *acquitted absolutely* by a Verdict of Twelve Men, from being guilty of *traducing and drawing into dispute the undoubted Right and Title of our Sovereign Lord King George, to the Kingdoms of Great-Britain and Ireland, and the Territories thereto belonging.*

This was the Charge against me; and of *this and this only*, was I found guilty in the *lower Court.*

But the Verdict of the Jury in this *Honourable Court*, is an *absolute Reversion* of the Jury's Verdict before the *Sessions.*

Wherefore I humbly hope, that this alone (if there were nothing else) will be thought sufficient, why Judgment should not be given against me.

For, with all due Submission, I cannot yet believe, that your Honours, in your superiour

perour Wisdom, will ever give the least Occasion for the World to say, that the very formal Reason of my Condemnation, was my publishing a Book entituled, “ A Short and
 “ Easy Method with the Deists, wherein
 “ the Certainty of the Christian Religion is
 “ demonstrated by infalliable Proof from four
 “ Rules, which are incompatible to any Im-
 “ posture that ever yet has been, or can pos-
 “ sibly be.

To which was added another, in Defence of the sacred and venerable Order of Bishops, and in Defence of the Church of *England*, in whose *salutary* Communion (by the Grace of God) *I purpose to live and die.*

Nor can I possibly imagine, that this Honourable Court will give the least Umbrage to People for their supposing, that your Honours think the Justices at the Sessions, did not put my Trial upon a right Footing; or, that their Worships spoke unadvisedly, when they said, *The Ministers can defend themselves!*

There are likewise other Things, which, in my humble Opinion, are worthy of the Notice of this Honourable Court, before Judgment is given against me.

The Jury have brought in a special Verdict, and have not declared the Book a Libel, that being left with your Honours, whether you will adjudge it so or not.

And that the Book may not be condemned as a Libel, I humbly beg Leave to remark
 these

these few Things for your Honours Consideration.

It's a rul'd Case in my Lord *Coke's 4 Instit.* 235. *b.* That if one shall say of a Merchant, That he is a Bankrupt, or would be a Bankrupt within two Days; the Words contain *Matter of a Libel*, and are *actionable*.——But I humbly conceive, that if the Merchant, of whom the Words were spoken, was actually declared a Bankrupt by the Laws of the Land, at the Time when the Words were spoken; the Words would not contain in them the *Matter of a Libel*, respecting that Man, and consequently not *actionable*.

The Use I would make of it is this.

The Book, now under the Consideration of the Honourable Bench, contains in it Arguments for Episcopacy, all of them laid down, from the Beginning to the End, in a *Hypothetic* Manner, thus,——If *Jesus Christ* instituted Bishops, and gave to them *alone* the Power of sending others, then *those* who pretend to have Christ's Commission, and have not received it, either *immediately* from Christ, or *immediately* from these Bishops, cannot be the Ministers of Christ according to Christ's Institution.

And further, that if any Person shall *causelessly separate* from any sound Part of the Catholick Church, he is a *Schismatic*, and *Excommunicate*, by voluntarily cutting himself off from the body of Christ.

Now

Now if any one shall make the Assumption and say, these are the *Presbyterian* and the *Congregational* Ministers, &c. and their respective Congregations under them.

Yet, (may it please your Honours) *granting it to be so* ; I humbly conceive, that the saying, concerning the Dissenting Ministers, and their Congregations, that they are *no Ministers*, and that they are *Schismatics* and *Excommunicates* (supposing that these Speeches were *absolute* and not *conditional*) ; yet, I say, I humbly hope, that this would not be actionable, nor, respecting the Dissenters, *Matter of a Libel*. Why ?

Because, the *Dissenters of all Denominations*, are declared to be *Schismatics* and *Excommunicates* by the Laws of the Land.

And in order to make this appear, I beg Leave to recite the 4, 5, 6, 7, 9, 10, 11, and 12th Canons of the Church of *England* published by his Majesty's Authority under the Great Seal of *England*, and now re-printed this very Year by the King's Printer, by Order of his Grace the Archbishop of *Canterbury*. ***** [after reading the Canons.

May it please your Honours ;

There are no Expressions in the Book at Bar, *tantamount* to these Censures of the Dissenters, in the Canons just now recited.

And I shall humbly leave it with your Honours, *if it may not be worth your Consideration,*

sideration, whether the condemning this Book, will not be a Declaration, that the Church pass'd these Censures against the Dissenters *clave errante*?

But be that as it will, the Dissenters are affirm'd to be *no Ministers*, to be *Schismatics*, and *excommunicate* by the Canons of the Church of *England*, which are Part of the Law of the Land; and therefore, to say the same Things of them, I humbly hope, *shall not be deem'd a Libel*.

The Sentence of Court.

Suffolk, ss. At a Court of ASSISE, &c.
Nov. 27, 1724.

Checkley }
adfect' }
Dom. Reg. }

THE Court having maturely advised on this special Verdict, are of Opinion that the said JOHN CHECKLEY is guilty of publishing and selling of a false and scandalous Libel. It's therefore considered by the Court, That the said JOHN CHECKLEY shall pay a Fine of Fifty Pounds to the King, and enter into Recognizance in the Sum of One Hundred Pounds, with two Sureties in the Sum of Fifty Pounds each, for his good Behaviour for six Months, and also pay Costs of Prosecution, standing committed until this Sentence be performed.

Att' Samuel Tyley, Clerc.

F I N I S.

A
SPECIMEN

OF a TRUE

Dissenting CATECHISM,

Upon Right TRUE-BLUE

Dissenting PRINCIPLES,

WITH

* LEARNED NOTES,

By Way of EXPLICATION.

Question. Why don't the *Dissenters* in their Publick Worship make use of the Creeds?

Answer. Why? — Because *they* are not set down *Word for Word* in the Bible.

Question. Well, — But why don't the *Dissenters* in their Publick Worship make use of the *Lord's-Prayer*?

Answer. Oh! ——— Because *that* is set down *Word for Word* in the Bible.

* They're so perverse and opposite
As if they worship'd God for Spite.

SPECIMEN

OF A

Dissenting Catechism,

With Right and Reason

Dissenting Principles

WITH

* LEARNED NOTES,

By Wm. of Exeter.

THESE NOTES, WHICH ARE THE PROPERTY OF THE AUTHOR, ARE HERE BY HIM GIVEN TO THE PUBLIC, IN ORDER THAT THEY MAY BE USED IN THE MOST EFFECTUAL MANNER.

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